

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SNAP-ON BUSINESS SOLUTIONS, INC.	)	CASE NO. 5:09-CV-01547-JG
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	
O'NEIL & ASSOCIATES, INC.	)	<b><u>PLAINTIFF'S MOTION FOR LEAVE</u></b>
	)	<b><u>TO FILE DEFENDANT'S EXPERT</u></b>
	)	<b><u>REPORT UNDER SEAL</u></b>
Defendant.	)	
	)	
	)	

Plaintiff Snap-on Business Solutions, Inc. ("Snap-on"), hereby requests leave from this Court pursuant to Local Rule 5.2 to file Exhibit C to its *Motion to Strike Defendant's Expert Report* under seal. This exhibit is the report of Defendant O'Neil & Associates, Inc.'s ("O'Neil") expert witness, Richard Kemmerer, which Snap-on has moved this Court to strike. O'Neil has designated this report as "highly confidential – outside counsel only." (A copy of the March 17, 2010 letter from M. Schrader to R. Gaum identifying the report as highly confidential is attached hereto as Exhibit A.)

Upon information and belief, opposing counsel likely encourages and supports the filing of this report under seal, as it contains material which O'Neil deems highly sensitive and confidential to its business. Therefore, Snap-on respectfully requests that this Court grant it leave to file Richard Kemmerer's expert report under seal. A proposed order is attached hereto for the Court's convenience.

Respectfully submitted,

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*Counsel for Plaintiff Snap-on Business  
Solutions, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 18th day of March, 2010, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Phillip G. Eckenrode  
One of the Attorneys for Plaintiff  
Snap-on Business Solutions, Inc.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SNAP-ON BUSINESS SOLUTIONS, INC. ) CASE NO. 5:09-CV-01547-JG  
                                       )  
Plaintiff,                          ) JUDGE JAMES S. GWIN  
                                       )  
v.                                   )  
                                       )  
O'NEIL & ASSOCIATES, INC.    ) **ORDER**  
                                       )  
                                       )  
Defendant.                       )

This matter came to be heard upon Plaintiff Snap-on Business Solutions, Inc.'s ("Snap-on") *Motion for Leave to File Defendant's Expert Report Under Seal* (the "Motion"). The Court finds Snap-on's Motion to be well taken and that good cause has been shown. Therefore, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Snap-on shall be granted leave to file Exhibit C to its *Motion to Strike Defendant's Expert Report* under seal.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE JAMES S. GWIN